



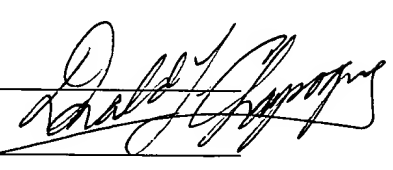
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Fax Cover Sheet

Date: 25 Feb 2003

To: Kevin A. Oliver, Esq.	From: Donald L. Champagne 
Application/Control Number: 09/441,191	Art Unit: 3622
Fax No.: 617-832-7000	Phone No.: 703-308-3331
Voice No.: 617-832-1241	Return Fax No.: 703-872-9326
Re: Atty. Docket CIK-002.01	CC:
<input type="checkbox"/> Urgent	<input type="checkbox"/> For Review
<input type="checkbox"/> For Comment	<input type="checkbox"/> For Reply
<input checked="" type="checkbox"/> Per Your Request	

Comments:

You asked in our telephone conversation yesterday afternoon for the basis for rejecting claims 41-47. The draft rejection follows on the next sheet.

The two options that I outlined in yesterday's message are still available to applicant.

Number of pages 2 including this page

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DRAFT DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 41-47 are rejected under 35 USC 103(a) as being obvious over Bezos et al. (US pat. 6,029,141).
3. Bezos et al. teaches (independent claim 41) a method for tracking an offer to become an associate, comprising (col. 2 lines 19-47): sending to an associate applicant, which reads on a participant, an electronic-mail message that contains a web page (col. 2 lines 23-24), said web page being provided based on the offer; including a business agreement (col. 2 lines 25-29) that inherently includes at least one option to accept and refer or to opt out; inherently receiving from an accepting participant the option based on the selection to accept and refer; and updating the associate database (col. 2 lines 43-44) based on the selection.
4. Bezos et al. does not teach using a database to determine at least one participant. Because at least some merchants maintain lists/databases of active customers, who are obvious candidates to become associates/participants, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add the use of a database to the teachings of Bezos et al. so as to determine at least one associate/participant.
5. The reference also teaches claims 42 (the business agreement (col. 2 line 27) reads on a job description), 44 (col. 2 line 31), 45 and 47 (col. 2 line 42). The reference also teaches claim 43: Information on products offered by the merchant, an offer database, is provided inherently when the merchant provides access to its web site. The reference also teaches claim 46 inherently because the merchant must know the identity of the associate applicant/participant in order to send the enrollment software.